

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

KRISTOPHER S. STARKGRAF,
Plaintiff,

v.

BRIAN HAUGE, et al.,
Defendants.

CASE NO. 3:23-CV-5496-JCC

ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS

The Court directed Plaintiff Kristopher Starkgraf to file a prison trust account statement to correct the deficiencies of his application to proceed *in forma pauperis* (IFP). Plaintiff has filed a Motion for Enlargement/Extension of Deadline requesting an extension of time to file the trust account statement. Dkt. 9. Plaintiff states the Pierce County Jail, where he is incarcerated, no longer provides trust account statements. *Id.* For purposes of granting IFP in this case, the Court takes judicial notice of the trust account statement Plaintiff filed in a separate case initiated on the same date as this action. *See Starkgraf v. Inslee, et al.*, 3:23-cv-5487-RJB-SKV (W.D. Wash.) at Dkt. 1-2. His prisoner trust account statement shows he had \$100.09 in his account at the time he initiated this lawsuit. *Id.* Therefore, the Court finds Plaintiff's Application to Proceed IFP is ready for consideration and the Motion for Enlargement (Dkt. 9) is denied as moot.

1 After consideration of the relevant record, Plaintiff does not appear to have funds
2 available to afford the \$402 filing fee and, therefore, financially qualifies for IFP status pursuant
3 to 28 U.S.C. § 1915(a)(1). Accordingly, Plaintiff's IFP application (Dkt. 6) is GRANTED.
4 However, based on the allegations in the proposed complaint, it does not appear Plaintiff has
5 adequately stated a claim. Therefore, the undersigned recommends review under 28 U.S.C. §
6 1915(e)(2)(B) before issuance of summons.

7 Because Plaintiff is incarcerated, pursuant to 28 U.S.C. § 1915 and Plaintiff's approved
8 application to proceed *in forma pauperis*, the agency having custody of the above-named
9 Plaintiff is directed to calculate an initial partial filing fee equal to 20 percent of the greater of
10 either: (a) the average monthly deposits to the prisoner's account; or (b) the average monthly
11 balance in the prisoner's account for the 6-month period immediately preceding the date of this
12 Order. The initial partial filing fee should be forwarded to the Clerk of Court as soon as
13 practicable.

14 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency having
15 custody of the prisoner is directed to collect and forward payments equal to 20 percent of the
16 prisoner's preceding month's income credited to the prisoner's account. In the event that the
17 monthly payment would reduce the prisoner's account below \$10.00, the agency should collect
18 and forward only that amount which would reduce the prisoner's account to the \$10.00 level.
19 Please note this \$10.00 limit does not apply to the initial partial filing fee described above.
20 Finally, the monthly payments should be collected and forwarded to the Court until the entire
21 filing fee (\$350.00) for this matter has been paid.

22 The Clerk is directed to send a copy of this Order to the District Judge assigned to this
23 case, to Plaintiff, and to the financial officer of this Court. The Clerk is also directed to send a
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1 copy of this Order and a copy of Plaintiff's Acknowledgment and Authorization portion of the
2 IFP application, and to the agency having custody of plaintiff.

3 Dated this 25th day of July, 2023.

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6 David W. Christel
7 Chief United States Magistrate Judge
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